

Docket No. 740756-2677  
Serial No. 10/731,033  
Page 7

### REMARKS

The Office Action of September 22, 2005 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 1-13 were pending prior to the instant amendment. By this amendment, claims 1, 5, 9, 13 are amended, claims 14-17 were previously canceled, and new claims 18-23 are added to recite additional features of the present invention to which Applicants are entitled. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced below.

Claims 1, 3, 5, 7, 9, 11 and 13 are rejected under 35 U.S.C. §102(b) as being anticipated by Yamazaki et al. (U.S. Patent No. 6,384,427 B1). This rejection is traversed for the reasons advanced below.

The present invention is directed to a light emitting device. Claims 1, 5, 9 and 13 are been amended in order to clearly distinguish the claimed inventions recited therein over Yamazaki et al. Specifically, the amended claims 1 and 13 recite that a contact hole of the third film is overlapped with the fourth film. In addition, amended claims 5 and 9 recite that a first contact hole of the first film and a second contact hole of the third film are overlapped with the fourth film. The features of the amended claims 1, 5, 9 and 13 are supported by Fig. 11. The new features of amended claims 1, 5, 9 and 13 are not disclosed in Yamazaki et al. As a result, each and every feature of these claims are not disclosed in the cited patent, and, thus, is not sufficient to anticipate the rejected claims. Consequently, this rejection should be overcome.

Claims 2, 4, 6, 8, 10 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamazaki as applied to claims 1, 3, 5, 7, 9 and 13 above, and further in view of Izumi, U.S. Publication No. 2002/0080303 A1. This rejection is traversed for the reasons advanced above with respect to claims 1, 5 and 9, and, thus, should be overcome.

In addition to the above, new claims 18-23 are added to recite additional features of the present invention to which Applicants are entitled.

W694887.1

Docket No. 740756-2677

Serial No. 10/731,033

Page 8


Specifically, claim 18 recites the feature that the electrode of the light-emitting element is electrically connected to the conductive film in the contact hole, and the contact hole of the second insulating film is overlapped with the partition layer. This feature is supported by Fig. 11.

Claim 19 recites the feature that the color filter is overlapped with the overlap portion of the electrode of the light-emitting element and the conductive film. This feature is supported by Fig. 14.

Claims 20-23 recite features that the light-emitting device is an active matrix display device. This feature is supported by Figs. 11 and 14.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 1-13 be allowed, that new claims 18-23 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,

  
Jeffrey L. Costellia  
Registration No. 35,483

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(202) 585-8000

W694887.1